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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayoshi Nanami et al.)
Assignee : SANSHIN KOGYO)
KABUSHIKI KAISHA)
Reissue)
Appl. No. : 09/474,867)
Reissue of)
Patent No. : 5,853,308)
Issued : December 29, 1998)
For : ENGINE AND EXHAUST)
SYSTEM FOR WATERCRAFT)

SUPPLEMENTAL REISSUE APPLICATION DECLARATION
UNDER 37 C.F.R. § 1.175

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned inventors hereby declare that:

1. Our residence, Post Office address and citizenship are stated below next to our names.

2. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,853,308 ("the '308 patent"), issued December 29, 1998, and of the subject matter disclosed and claimed in the above-identified reissue application.

3. We have reviewed and understand the contents of the specification (including the claims) of the present reissue application (Serial No. 09/474867, filed December 29, 1999), the preliminary amendment filed September 6, 2000, the amendment filed April 6, 2001, the amendment filed November 8, 2001, the amendment filed August 26, 2002, the amendment filed April 29, 2003, the amendment filed March 1, 2004 in

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response to the Office Action dated November 28, 2003, and the amendment filed herewith.

4. We hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of Japanese Patent Application Nos. Hei-5-247947 filed October 4, 1993 and Hei 5-261186 filed October 19, 1993.

5. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. In compliance with this duty and in accordance with 37 CFR §§ 1.97-1.98, an Information Disclosure Statement was filed with the reissue application.

6. On information and belief, the '308 patent is partly inoperative or invalid by reason of the patentee claiming more or less than patentee had the right to claim in the patent. With particular reference to the errors set forth below, we believe that the '308 patent is at least partially inoperable by claiming less than we had a right to claim. Specifically, the insufficiency in the claims resides in the failure to present claims directed to a watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and exhaust system extending from the engine to exhaust discharge. The engine includes an engine body journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull. The engine body has at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft. At least one exhaust port is provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft. The exhaust system includes an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in exhaust system. At least a portion of the expansion chamber is positioned on and extends longitudinally along the second side of the plane, opposite the first side.

7. Turning from the unclaimed subject matter at large to a specific reissue claim, the reissue application includes one new independent claim: Claim 27. The newly claimed subject matter of Claim 27 is best understood by comparison with the original Claim 24 of the '308 patent. Presented below is a mock claim which illustrates the claim language common to Claims 24 and 27 in plain type, the claim language specific to Claim

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24 in bolded and bracketed type, and the claim language specific to Claim 27 in underlined type:

A watercraft comprised of a hull defining an engine compartment, [a two-cycle, crankcase compression internal combustion] an engine contained within [said] the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body [and having a crankcase chamber] journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull, the engine body [, a pair of cylinder blocks extending at a V-angle to each other and affixed to said crankcase chamber, each cylinder block] having at least one cylinder [bore] which defines a cylinder axis and [containing] which contains a piston [for driving said] connected to the output shaft, [said cylinder bores having axes lying on a plane that extends transversely to set output shaft, an induction system for said engine disposed substantially completely in a valley defined between said cylinder blocks for delivering at least an air charge to set crankcase chamber for transfer to combustion chambers formed above said pistons, and a pair of exhaust manifolds each affixed to a respective one of said cylinder blocks on the side thereof facing away from said valley, a pair of expansion chambers each positioned on a respective side of set engine and receiving exhaust gases from the respective exhaust manifold, and an exhaust system for discharging exhaust gases from said expansion chambers to the atmosphere comprising an exhaust pipe extending from each of set expansion chambers across the top of the engine to the rear of set engine], at least one exhaust port provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side.

The above illustration clearly identifies the differences in the claimed subject matter and evidences the difference in scope between Claim 24 and reissue Claim 27. No original claim has a scope equal to that defined by reissue Claim 27. The inclusion of reissue Claim 27 overcomes the error noted above by claiming subject matter we had the right to claim originally, but which was erroneously omitted during the prosecution of the '308 patent.

8. On information and belief, all errors being corrected in the reissue application up to the time of the filing of the present declaration arose without any deceptive intention on the part of the Applicants.

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9. We have read and understand the foregoing statements of this Declaration. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

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